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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,898	10/10/2001	Bryan Holland	HOL-001DVA	2312

7590 08/03/2004
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EXAMINER

FERGUSON, KEITH

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 08/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/975,898

Applicant(s)

HOLLAND, BRYAN

Examiner

Keith T. Ferguson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Double Patenting

1. Claims 14-35 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1-11 of U.S. Patent No. 6,321,091. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims in the continuation are broader than the claims in the continuation. Applications are rejected as obvious double patenting over previous narrow claims. For example. Claim 14 of the present invention is the same as claim 1 of the patent except that a "a subscriber computer in network communication with said server computer to receive and display said positional data" limitation was not recited. Therefore claim 14 is broader than claim 1 of the patent.

Claim Objections

2. Claims 15-21 are objected to because of the following informalities: For example, claim 15, line 1, the phrase "The location system as recited in Claim 14" should recite "The location device as recited in Claim 14". Appropriate correction is required.

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Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 14-24 and 27-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimoto et al. (U.S. 6,115,611) in view of Westerlag et al. (U.S. Patent 5,724,243) and Keillor et al. (U.S. 5,917,433).

As to claims 14,21,22,23,24,28-30, and 32-34, Kimoto discloses a locator device/method (fig.1 and fig. 12) comprising: a receiver configured to receive signals from a plurality of visible radiolocation transmitters and generate positional data of said locator device (base stations and GPS satellites) (col. 17 lines 20-27 and col. 59 line 60 to column 60 line 6); wherein said positional data is provided to a server computer for publishing to at least one subscriber computer (i.e. positional data information system (figure 8) where an information center (5) with a world wide web (WWW) server provides information of a map including the current position of the mobile terminal and information including information of facilities on the map to be manipulated and displayed at a wireless terminal based on positional data supplied by the mobile terminal to the information center (column 34, line 45 to column 36, line 16). Kimoto differs from claims 14,22,23,28 and 32 of the present invention in that it does not explicit disclose a cellular modem operatively coupled to said locator device to transmit said positional data to a telecommunication provider in wireless communication; said locator device power including conserving software for carrying out the operation of monitoring synchronization of said receiver with said radiolocation transmitters, reducing power to said cellular modem when said synchronization is lost, and restoring power to said cellular modern when said synchronization is reestablished. Westerlag et

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al. teaches a mobile unit comprising a cellular modem to transmit positional data to a dispatcher (telecommunication provider) in wireless communication (fig. 1 and col. 12 lines 5-29). Keillor teaches communication power saving situations where the asset monitor communicates (transmits) reports according to an operator defined schedule such as in response to predetermined types of sensed events (GPS has not obtained position data) or conditions and that the asset monitor can sense an unexpected event, such as the movement of a trailer which should be stationary to perform additional functions and/or operate at a higher frequency or higher duty cycle in order to more closely monitor the predetermined event. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kimoto with disclose a cellular modem operatively coupled to said locator device to transmit said positional data to a telecommunication provider in wireless communication; said locator device power including conserving software for carrying out the operation of monitoring synchronization of said receiver with said radiolocation transmitters, reducing power to said cellular modem when said synchronization is lost, and restoring power to said cellular modern when said synchronization is reestablished in order for the mobile terminal to access the internet when seeking location information and to provide a battery saving technique to the mobile terminal when seeking access to the internet, as taught by Westerlag et al. and Keillor et al..

As to claims 15 and 16, Kimoto teaches the WWW server of the information center transmits information of a map including the current position of the mobile terminal and information of facilities on the map the retrieved map information as a Hyper Text Make Up Language (HTML) document to the mobile terminal (column 35, lines 21-30).

As to claim 17, Kimoto teaches a locator system where the HTML pages or map service program is described as Applet of the Java. Language (column 35, line 66 to column 36, line 7).

As to claims 18-20,27,31,35, Kimoto as applied in claims 14,22 and 28 above differs from claims 18-20,27,31,35 in that claims 14,22,28 and 32 does not teach that the locator device/method includes power conserving software to reduce power to the mobile unit when synchronization is lost with the radiolocation

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transmitters or changing the rate of transmissions in relation to the rate of changes in item position. Keillor et al. teaches an asset monitoring system with an operator interface (50) with data entry and display connected with an asset monitor (14), releasably attached to an item, that utilizes various environment sensors including GPS for location purposes and a transceiver to exchange status/commands with a remote station (12) (figure 2, column 3, line 45 to column 4, line 32). Keillor also teaches communication power saving situations where the asset monitor communicates (transmits) reports according to an operator defined schedule such as in response to predetermined types of sensed events (GPS has not obtained position data) or conditions and that the asset monitor can sense an unexpected event, such as the movement of a trailer which should be stationary to perform additional functions and/or operate at a higher frequency or higher duty cycle in order to more closely monitor the predetermined event. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the battery saving techniques of Keillor in the system of Kimoto to reduce battery consumption.

5. Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimoto et al. (U.S. 6,115,611) in view of Westerlag et al. (U.S. Patent 5,724,243) and Keillor et al. (U.S. 5,917,433) as applied to claims 22,23 and 24 and in further view of Watanabe.

Regarding claims 25 and 26, the combination of Kimoto et al. Westerlag et al. and Keillor et al. differs from claims 25 and 26 in that they do not explicit disclose said normal power level corresponds to the highest clock speed of said microprocessor means and said low power corresponds to a clock speed lower than said highest clock speed or the low level corresponds to a clock speed of approximately half of the highest clock speed. Watanabe teaches a personal digital assistant that operates in full mode and slow modes where the full mode corresponds to the highest clock speed of said microprocessor means and said low power corresponds to a clock speed lower than said highest clock speed or the low level corresponds to a clock speed of approximately half of the highest clock speed (col. 4 line 18 through col. 5 line 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Kimoto et al. Westerlag et al. and Keillor et al. with said normal power level corresponds to the highest clock speed of said microprocessor means and said low power corresponds to a clock speed lower than said highest

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clock speed or the low level corresponds to a clock speed of approximately half of the highest clock speed in order for the mobile terminal to know when to wake or sleep when seeking a wireless message, as taught by Watanabe.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T. Ferguson whose telephone number is (703) 305-4888. The examiner can normally be reached on 6:30am-5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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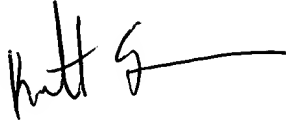
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Keith Ferguson

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July 20, 2004

A handwritten signature in black ink, appearing to read "Keith F.", with a long horizontal stroke extending to the right.